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09/158,728	09/22/1998	STEVEN CRAIG WEIRATHER	67134-5021	4296

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EXAMINER

CHEVALIER, ALICIA ANN

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1794

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/158,728	Applicant(s) WEIRATHER ET AL.	
	Examiner Alicia Chevalier	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 548-739 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 548-739 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 548-739 are pending in the application, claims 1-547 have been cancelled.
2. Amendments to the claims, filed on July 11, 2007, have been entered in the above-identified application.

REJECTIONS

3. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Objections

4. Claim 584 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 584 dependent on claim 548 only recites limitations already in claim 548.
5. Claim 591 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 591 dependent on claim 590 contradicts the limitations already in claim 590.

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6. Claim 624 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 624 dependent on claim 590 only recites limitations already in claim 590.

7. Claim 660 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 660 dependent on claim 629 only recites limitations already in claim 629.

8. Claim 726 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 726 dependent on claim 695 only recites limitations already in claim 695.

Claim Rejections - 35 USC § 112

9. Claims 548-589 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case amended claim 548 contain(s) the limitation "entire front faces of

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all of the printable business cards being free of any visible indicia.” The specification does not disclose that the visible indicia is excluded from the entire front faces of all the printable business cards, therefore this limitation is considered new matter.

Any negative limitation or exclusionary proviso must have basis in the original disclosure. See *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), aff'd mem., 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. MPEP § 2173.05(i)

The new matter should be deleted.

10. Claims 549 and 590-628 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case amended claims 549 and 590 contain(s) the limitation “the laminate sheet construction being free of adhesive between the film and the continuous sheet.” The specification does not disclose that the visible indicia is excluded from the entire front faces of all the printable business cards, therefore this limitation is considered new matter.

Any negative limitation or exclusionary proviso must have basis in the original disclosure. See *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), aff'd mem., 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. MPEP § 2173.05(i)

The new matter should be deleted.

11. Claims 589, 628, 663-729 and 739 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter,

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case amended claims 589, 628, 663, 664, 695 and 739 contain(s) the limitation "the printable business card is free of tractor-feed perforations." The specification does not disclose that the tractor-feed perforations is excluded from the printable business cards, therefore this limitation is considered new matter.

Any negative limitation or exclusionary proviso must have basis in the original disclosure. See *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), aff'd mem., 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. MPEP § 2173.05(i)

The new matter should be deleted.

12. Claim 733 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case amended claim 733 contain(s) the limitation "entire front faces of all of the first and second printable business cards being free of any visible indicia." The specification does not disclose that the visible indicia is excluded from the entire front faces of all the printable business cards, therefore this limitation is considered new matter.

Any negative limitation or exclusionary proviso must have basis in the original disclosure. See *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), aff'd mem., 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. MPEP § 2173.05(i)

The new matter should be deleted.

13. Claims 591 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 591 is dependent on claim 590 which recites "the laminate sheet construction being free of adhesive between the film and the continuous sheet" and then claim 591 recited "the laminate sheet construction includes adhesive between and attaching the film to the facestock sheet" which contradicts claim 590. Therefore it is unclear which limitations are truly included.

Claim Rejections - 35 USC § 103

14. Claims 548-571, 577, 578, 580-611, 617, 618, 620-649, 655, 656, 658-680, 683, 684, 686 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip (U.S. Patent No. 5,462,488) in view of Popat et al. (U.S. Patent No. 5,407,718).

Regarding Applicant's claim 548, McKillip discloses a printable business card sheet (*title*), comprising: a laminate sheet construction including a facestock sheet construction (*col. 7, lines 16-17*) and a continuous sheet (*col. 7, line 17*) attached to a back side of the facestock sheet construction (*figure 6*); the facestock sheet construction including a facestock sheet (*reference #24*); the laminate sheet construction including an internally positioned film layer (*reference #26*); the facestock sheet being a cardstock sheet (*col. 7, line 26*); facestock continuous through-cut lines through the facestock sheet construction but not through-cut through the continuous sheet (*reference #22*); the through-cut lines defining at least in part perimeter edges of printable

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business cards and a matrix waste portion around the printable business cards (*col. 7, lines 28-20 and figures 5 and 6*); areas of the continuous sheet being positioned over back sides of all of the through-cut lines and thereby the continuous sheet is structurally capable of holding the printable business cards and the matrix waste portion together during the printing operation (*figures 5 and 6*); a top surface of the facestock sheet construction being constructed and adapted to receive indicia printed on the top surface during the printing operation (*reference #24*); the continuous sheet and the through-cut lines being constructed and adapted to allow the business cards to be removed and separated from the continuous sheet and from the matrix waste portion after the printing operation into individual printed business cards whose back side surfaces are non-tacky (*col. 2, lines 49-56 and figures 7 and 11*).

The preamble/limitation “business card” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a ***structural difference*** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02. Applicant has defined that “business card” as the cut out portion or separable portion of the sheet construction (*specification page 1, lines 3-7 and page 3, line 25 through page 4, line 9*). McKillip’ labels are deemed to meet this limitation because McKillip’ labels are also the cut out portion of the printable material.

It would obvious to modify the laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known “improvement” technique, e.g. laser printer/sheet-fed printer, in the same way to the

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“base” device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one of ordinary skill in the art. *KSR, 82 USPQ2d at 1396*. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

McKillip fails to disclose that the printable business cards being arranged in a grid, the grid including a column of printable business cards, and adjacent ones of the printable business cards in the column directly abut one another and share a common edge or entire front faces of all of the printable business cards being free of any visible indicia.

Popat teaches label sheets used for printing with personal computers (*col. 1, lines 12-19*). The label sheets comprise a sheet construction that comprises a label layer, i.e. facestock sheet construction, and an adhesive layer, and backing layer (*col. 2, lines 64-68*), which acts as a release liner (*col. 3, lines 18-19*), i.e. carrier sheet.

Popat's label comprises facestock continuous through-cut lines (*die cut lines, col. 3, line 15*) that pass through the facestock sheet construction to the back side but not through-cut through the carrier sheet (*col. 3, lines 15-21*) and that the through-cut lines are deemed to define at least in part perimeter edges of printable business cards and a matrix waste portion around the printable business cards (*figure 1*). Areas of the carrier sheet are positioned over the back sides of all the through-cut lines and thereby the carrier sheet is constructed and adapted to hold the printable business cards and the matrix waste portion together during the printing operation (*figure 2 and col. 3, lines 15-21*). The carrier sheet and the through-cut lines are deemed to be constructed and adapted to allow the business cards to be removed and separated from the carrier

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sheet and from the matrix waste portion after the printing operation into individual printed business cards (*figure 1 and col. 3, lines 15-21*). The die cuts also help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*col. 3, lines 1-4*).

McKillip and Popat are analogous because they are both discuss label sheets used for printing with personal computers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the die cut arrangement of the through-cut lines with the cuts only going through the facestock construction and not the carrier sheet of Popat as the die cuttings of McKillip in order to help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*Popat col. 3, lines 1-4*). Furthermore, it would have been an obvious matter of design choice to change the configuration of the through-cut lines, since a modification would have involved a mere change in size of the label. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV). Furthermore, it would have been to one of ordinary skill in the art at the time of the invention to have the entire front faces of all of the printable business cards being free of any visible indicia depending on what type of identification card the end user desire, e.g. a free form of their own design or a pre-filled one as a matter of aesthetic design choice. MPEP 2144.04 (I).

Regarding Applicant's claim 549, McKillip discloses wherein the laminate sheet construction is free of adhesive between the film layer and the continuous sheet (*figure 6*).

Regarding Applicant's claim 550, Popat discloses wherein the business cards are in a central area block of the facestock sheet, a border portion of the laminate sheet construction

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surrounds the block and extends from ends of the through-cut lines to all edges of the laminate sheet construction and the border portion is free of weakened lines (*figures 1 and 2*).

Regarding Applicant's claim 551, Popat discloses wherein the column defines a first column, the grid includes a second column of the printable business cards, and the first and second columns directly side-by-side abut one another (*figures 1 and 2*).

Regarding Applicant's claim 552, McKillip fails to disclose that the dry laminate sheet construction is 8.5 by 11 inches, 8.5 by 14 inches or has A4 width and length dimensions.

Popat discloses that the label sheet may be a standard 8.5 by 11 inch sheet or other dimensions such as sheets with smaller dimensions, legal size or various other sizes which allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*col. 5, lines 1-11*).

Therefore, it would have been an obvious matter of design choice to change the size of sheet construction, since a modification would have involved a mere change in size. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

One of ordinary skill in the art would have been motivated to change the size of the sheet construction in order to allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*Popat col. 5, lines 1-11*).

Regarding Applicant's claim 553, Popat wherein the printable business cards form a block of printable business cards and the matrix waste portion forms a frame around the block (*figures 1 and 2*).

Regarding Applicant's claim 554, McKillip discloses wherein the continuous sheet is a solid carrier sheet and covers all of the back sides of all of the through-cut lines, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 555, McKillip discloses wherein the continuous sheet is a solid carrier sheet which extends the entire width of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 556, Popat discloses wherein (a) the facestock sheet construction includes left and right side edges and first and second end edges, (b) the through-cut lines forming a grid which includes frame cut lines and grid cut lines, (c) the frame cut lines include first and second side cut lines spaced in from the left and right side edges respectively, and disposed parallel thereto, and first and second end cut lines spaced in from and parallel to the first and second end edges, both of the end cut lines engaging both of the side cut lines, the frame cut lines defining a central area on the facestock sheet construction, and (d) the grid cut lines and the frame cut lines separating the central area into the printable business cards (*figures 1 and 2*).

Regarding Applicant's claim 557, Popat wherein some of the grid cut lines extend across and outwardly of the first and second side cut lines (*figures 1 and 2*).

Regarding Applicant's claim 558, McKillip wherein the film layer is a polyethylene layer (*col. 8, lines 15-18*).

Regarding Applicant's claim 559, Popat discloses wherein the through-cut lines include vertical and horizontal cut lines (*figures 1 and 2*).

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Regarding Applicant's claim 560, Popat wherein a top one of the horizontal cut lines extends a full width of the facestock sheet construction (*figures 1 and 2*).

Regarding Applicant's claim 561, Popat discloses wherein ends of the rest of the horizontal cut lines are spaced inwardly from the left and right side edges of the facestock sheet construction (*figures 1 and 2*).

Regarding Applicant's claim 562, McKillip discloses wherein the rest of the horizontal cut lines extend a distance out beyond the outermost of the vertical cut lines (*figures 1 and 2*).

Regarding Applicant's claim 563, McKillip discloses wherein the continuous sheet covers an entire back side of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 564, McKillip discloses wherein the through-cut lines define all of the perimeter edges of all of the printable business cards (*figures 5-7*).

Regarding Applicant's claim 565, McKillip discloses wherein the continuous sheet includes a paper sheet (*reference #22*).

Regarding Applicant's claim 566, Popat discloses wherein the printable business cards are arranged in a two column matrix, and the two column matrix includes the column (*figures 1 and 2*).

Regarding Applicant's claim 567, Popat discloses wherein the printable business cards in each column of the two column matrix abut adjacent printable business cards in the same column separated only by respective ones of the through-cut lines (*figures 1 and 2*).

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Regarding Applicant's claim 568, McKillip fails to disclose the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

Regarding Applicant's claim 569, McKillip discloses wherein the adhesive layer is a hot melt adhesive layer, the film layer is a low density polyethylene film (*col. 5, lines 13-16*), and the continuous sheet is a densified bleached kraft liner sheet (*col. 5, lines 32-34*).

Regarding Applicant's claim 570, McKillip fails to disclose wherein the film layer is approximately .8 mil thick. It would have been an obvious matter of design choice to change the thickness of film layer, since a modification would have involved a mere change in size of the film layer. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 571, McKillip discloses wherein the facestock sheet construction and the continuous sheet are both rectangular and have the same width and length dimensions (*figures 5-6*).

Regarding Applicant's claim 577, McKillip discloses wherein the continuous sheet is secured directly to a back side of the film layer and the back side of the continuous sheet defines a back surface of the printable business card sheet (*figure 6*).

Regarding Applicant's claim 578, McKillip wherein the areas of the continuous sheet cover the back sides of all of the through-cut lines, since McKillip discloses that each page has a

solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 580, McKillip wherein the continuous sheet carries the facestock sheet construction and thereby defines a carrier sheet and/or wherein the continuous sheet comprises a continuous liner sheet, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 581, Popat discloses wherein the printable business cards form a block of printable business cards and the matrix waste portion forms a frame around the block, and wherein the facestock sheet construction and the continuous sheet are both rectangular and have the same width dimensions (*figures 1 and 2*).

Regarding Applicant's claim 582, McKillip wherein the film layer is between the facestock sheet and the continuous sheet (*figure 6*).

Regarding Applicant's claim 583, wherein the film layer forms the back side surfaces of the printed business cards (*figure 6*).

Regarding Applicant's claim 584, wherein the facestock sheet construction includes the film layer (*figure 6*).

Regarding Applicant's claim 585, McKillip discloses wherein the continuous sheet is directly attached to the back side of the facestock sheet construction (*figure 6*).

Regarding Applicant's claim 586, McKillip discloses wherein the continuous sheet is a solid carder sheet coextensive with the width of the facestock sheet construction, since McKillip

discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 587, McKillip fails to disclose the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

The limitation "so that the printable business card sheet delaminates at an interface of the film layer and the continuous sheet and whereby the laminate sheet construction is a dry laminate sheet construction" is a functional limitation and is deemed to be a latent property of the prior art since the prior art is substantially identical in composition and/or structure. MPEP 2145 (II).

Regarding Applicant's claim 588, wherein the film layer is adapted so that the laminate sheet construction delaminates at an interface of the film layer and the continuous sheet and whereby the laminate sheet construction is a dry laminate sheet construction (*figure 6*). The limitation "wherein the film layer and the continuous sheet form a delamination interface for the printed business cards and whereby the laminate sheet construction is a dry laminate sheet construction" is a functional limitation and is deemed to be a latent property of the prior art since the prior art is substantially identical in composition and/or structure. MPEP 2145 (II).

Regarding Applicant's claim 589, as discussed above it would be obvious to modify the laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known "improvement" technique,

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e.g. laser printer/sheet-fed printer, in the same way to the “base” device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one of ordinary skill in the art. *KSR*, 82 *USPQ2d at 1396*. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

Regarding Applicant’s claim 590, McKillip discloses a printable business card sheet (*title*), comprising: a laminate sheet construction including a facestock sheet construction (*col. 7, lines 16-17*) and a continuous sheet (*col. 7, line 17*) attached to a back side of the facestock sheet construction (*figure 6*); the facestock sheet construction including a facestock sheet (*reference #24*); the laminate sheet construction including an internally positioned film layer (*reference #26*); the facestock sheet being a cardstock sheet (*col. 7, line 26*); facestock continuous through-cut lines through the facestock sheet construction but not through-cut through the continuous sheet (*reference #22*); the through-cut lines defining at least in part perimeter edges of printable business cards and a matrix waste portion around the printable business cards (*col. 7, lines 28-20 and figures 5 and 6*); areas of the continuous sheet being positioned over back sides of all of the through-cut lines and thereby the continuous sheet is structurally capable of holding the printable business cards and the matrix waste portion together during the printing operation (*figures 5 and 6*); a top surface of the facestock sheet construction being constructed and adapted to receive indicia printed on the top surface during the printing operation (*reference #24*); the continuous sheet and the through-cut lines being constructed and adapted to allow the business cards to be removed and separated from the continuous sheet and from the matrix waste portion after the printing operation into individual printed business cards whose back side surfaces are non-tacky

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(col. 2, lines 49-56 and figures 7 and 11) and the laminate sheet construction being free of adhesive between the film layer and the continuous sheet (figure 6).

The preamble/limitation “business card” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a *structural difference* between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02. Applicant has defined that “business card” as the cut out portion or separable portion of the sheet construction (*specification page 1, lines 3-7 and page 3, line 25 through page 4, line 9*). McKillip’ labels are deemed to meet this limitation because McKillip’ labels are also the cut out portion of the printable material.

It would obvious to modify the laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known “improvement” technique, e.g. laser printer/sheet-fed printer, in the same way to the “base” device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one of ordinary skill in the art. *KSR, 82 USPQ2d at 1396*. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

McKillip fails to disclose that the printable business cards being arranged in a grid, the grid including a column of printable business cards, and adjacent ones of the printable business cards in the column directly abut one another and share a common edge.

Popat teaches label sheets used for printing with personal computers (*col. 1, lines 12-19*). The label sheets comprise a sheet construction that comprises a label layer, i.e. facestock sheet construction, and an adhesive layer, and backing layer (*col. 2, lines 64-68*), which acts as a release liner (*col. 3, lines 18-19*), i.e. carrier sheet.

Popat's label comprises facestock continuous through-cut lines (*die cut lines, col. 3, line 15*) that pass through the facestock sheet construction to the back side but not through-cut through the carrier sheet (*col. 3, lines 15-21*) and that the through-cut lines are deemed to define at least in part perimeter edges of printable business cards and a matrix waste portion around the printable business cards (*figure 1*). Areas of the carrier sheet are positioned over the back sides of all the through-cut lines and thereby the carrier sheet is constructed and adapted to hold the printable business cards and the matrix waste portion together during the printing operation (*figure 2 and col. 3, lines 15-21*). The carrier sheet and the through-cut lines are deemed to be constructed and adapted to allow the business cards to be removed and separated from the carrier sheet and from the matrix waste portion after the printing operation into individual printed business cards (*figure 1 and col. 3, lines 15-21*). The die cuts also help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*col. 3, lines 1-4*).

McKillip and Popat are analogous because they are both discuss label sheets used for printing with personal computers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the die cut arrangement of the through-cut lines with the cuts only going through the facestock construction and not the carrier sheet of Popat as the die cuttings of McKillip in order to help facilitate ease of feeding into complex printer paths, such as those found on laser printers

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(*Popat col. 3, lines 1-4*). Furthermore, it would have been an obvious matter of design choice to change the configuration of the through-cut lines, since a modification would have involved a mere change in size of the label. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 591, McKillip fails to disclose the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

Regarding Applicant's claim 592, McKillip fails to disclose that the dry laminate sheet construction is 8.5 by 11 inches, 8.5 by 14 inches or has A4 width and length dimensions.

Popat discloses that the label sheet may be a standard 8.5 by 11 inch sheet or other dimensions such as sheets with smaller dimensions, legal size or various other sizes which allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*col. 5, lines 1-11*).

Therefore, it would have been an obvious matter of design choice to change the size of sheet construction, since a modification would have involved a mere change in size. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

One of ordinary skill in the art would have been motivated to change the size of the sheet construction in order to allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*Popat col. 5, lines 1-11*).

Regarding Applicant's claim 593, Popat wherein the printable business cards form a block of printable business cards and the matrix waste portion forms a frame around the block (*figures 1 and 2*).

Regarding Applicant's claim 594, McKillip discloses wherein the continuous sheet is a solid carrier sheet and covers all of the back sides of all of the through-cut lines, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 595, McKillip discloses wherein the continuous sheet is a solid carrier sheet which extends the entire width of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 596, Popat discloses wherein (a) the facestock sheet construction includes left and right side edges and first and second end edges, (b) the through-cut lines forming a grid which includes frame cut lines and grid cut lines, (c) the frame cut lines include first and second side cut lines spaced in from the left and right side edges respectively, and disposed parallel thereto, and first and second end cut lines spaced in from and parallel to the first and second end edges, both of the end cut lines engaging both of the side cut lines, the frame cut lines defining a central area on the facestock sheet construction, and (d) the grid cut lines and the frame cut lines separating the central area into the printable business cards (*figures 1 and 2*).

Regarding Applicant's claim 597, Popat wherein some of the grid cut lines extend across and outwardly of the first and second side cut lines (*figures 1 and 2*).

Regarding Applicant's claim 598, McKillip wherein the film layer is a polyethylene layer (*col. 8, lines 15-18*).

Regarding Applicant's claim 599, Popat discloses wherein the through-cut lines include vertical and horizontal cut lines (*figures 1 and 2*).

Regarding Applicant's claim 600, Popat wherein a top one of the horizontal cut lines extends a full width of the facestock sheet construction (*figures 1 and 2*).

Regarding Applicant's claim 601, Popat discloses wherein ends of the rest of the horizontal cut lines are spaced inwardly from the left and right side edges of the facestock sheet construction (*figures 1 and 2*).

Regarding Applicant's claim 602, McKillip discloses wherein the rest of the horizontal cut lines extend a distance out beyond the outermost of the vertical cut lines (*figures 1 and 2*).

Regarding Applicant's claim 603, McKillip discloses wherein the continuous sheet covers an entire back side of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 604, McKillip discloses wherein the through-cut lines define all of the perimeter edges of all of the printable business cards (*figures 5-7*).

Regarding Applicant's claim 605, McKillip discloses wherein the continuous sheet includes a paper sheet (*reference #22*).

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Regarding Applicant's claim 606, Popat discloses wherein the printable business cards are arranged in a two column matrix, and the two column matrix includes the column (*figures 1 and 2*).

Regarding Applicant's claim 607, Popat discloses wherein the printable business cards in each column of the two column matrix abut adjacent printable business cards in the same column separated only by respective ones of the through-cut lines (*figures 1 and 2*).

Regarding Applicant's claim 608, McKillip fails to disclose the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

Regarding Applicant's claim 609, McKillip discloses wherein the adhesive layer is a hot melt adhesive layer, the film layer is a low density polyethylene film (*col. 5, lines 13-16*), and the continuous sheet is a densified bleached kraft liner sheet (*col. 5, lines 32-34*).

Regarding Applicant's claim 610, McKillip fails to disclose wherein the film layer is approximately .8 mil thick. It would have been an obvious matter of design choice to change the thickness of film layer, since a modification would have involved a mere change in size of the film layer. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 611, McKillip discloses wherein the facestock sheet construction and the continuous sheet are both rectangular and have the same width and length dimensions (*figures 5-6*).

Regarding Applicant's claim 617, McKillip discloses wherein the continuous sheet is secured directly to a back side of the film layer and the back side of the continuous sheet defines a back surface of the printable business card sheet (*figure 6*).

Regarding Applicant's claim 618, McKillip wherein the areas of the continuous sheet cover the back sides of all of the through-cut lines, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 620, McKillip wherein the continuous sheet carries the facestock sheet construction and thereby defines a carrier sheet and/or wherein the continuous sheet comprises a continuous liner sheet, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 621, Popat discloses wherein the printable business cards form a block of printable business cards and the matrix waste portion forms a frame around the block, and wherein the facestock sheet construction and the continuous sheet are both rectangular and have the same width dimensions (*figures 1 and 2*).

Regarding Applicant's claim 622, McKillip wherein the film layer is between the facestock sheet and the continuous sheet (*figure 6*).

Regarding Applicant's claim 623, wherein the film layer forms the back side surfaces of the printed business cards (*figure 6*).

Regarding Applicant's claim 624, wherein the facestock sheet construction includes the film layer (*figure 6*).

Regarding Applicant's claim 625, McKillip discloses wherein the continuous sheet is directly attached to the back side of the facestock sheet construction (*figure 6*).

Regarding Applicant's claim 626, McKillip discloses wherein the continuous sheet is a solid carder sheet coextensive with the width of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 627, McKillip discloses that the laminate sheet construction is a dry laminate sheet construction (*figure 6*).

Regarding Applicant's claim 628, as discussed above it would obvious to modify the laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known "improvement" technique, e.g. laser printer/sheet-fed printer, in the same way to the "base" device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one of ordinary skill in the art. *KSR, 82 USPQ2d at 1396*. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

Regarding Applicant's claim 629, McKillip discloses a printable business card sheet (*title*), comprising: a dry laminate sheet construction including a facestock sheet construction (*col. 7, lines 16-17*) and a continuous sheet (*col. 7, line 17*) attached to a back side of the facestock sheet construction (*figure 6*); the facestock sheet construction including a facestock sheet (*reference #24*); the dry laminate sheet construction including an internally positioned film

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layer (*reference #26*); the facestock sheet being a cardstock sheet (*col. 7, line 26*); facestock continuous through-cut lines through the facestock sheet construction but not through-cut through the continuous sheet (*reference #22*); the through-cut lines defining at least in part perimeter edges of printable business cards and a matrix waste portion around the printable business cards (*col. 7, lines 28-20 and figures 5 and 6*); areas of the continuous sheet being positioned over back sides of all of the through-cut lines and thereby the continuous sheet is structurally capable of holding the printable business cards and the matrix waste portion together during the printing operation (*figures 5 and 6*); a top surface of the facestock sheet construction being constructed and adapted to receive indicia printed on the top surface during the printing operation (*reference #24*); the continuous sheet and the through-cut lines being constructed and adapted to allow the business cards to be removed and separated from the continuous sheet and from the matrix waste portion after the printing operation into individual printed business cards whose back side surfaces are non-tacky (*col. 2, lines 49-56 and figures 7 and 11*) and film layer and the continuous sheet forming are deemed to form a delamination interface for the printed business cards (*figure 6*).

The preamble/limitation “business card” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a ***structural difference*** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02. Applicant has defined that “business card” as the cut out portion or separable portion of the sheet construction (*specification page 1, lines 3-7 and page 3, line 25*

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through page 4, line 9). McKillip' labels are deemed to meet this limitation because McKillip' labels are also the cut out portion of the printable material.

It would obvious to modify the dry laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known "improvement" technique, e.g. laser printer/sheet-fed printer, in the same way to the "base" device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one of ordinary skill in the art. *KSR, 82 USPQ2d at 1396*. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

McKillip fails to disclose that the printable business cards being arranged in a grid, the grid including a column of printable business cards, and adjacent ones of the printable business cards in the column directly abut one another and share a common edge.

Popat teaches label sheets used for printing with personal computers (*col. 1, lines 12-19*). The label sheets comprise a sheet construction that comprises a label layer, i.e. facestock sheet construction, and an adhesive layer, and backing layer (*col. 2, lines 64-68*), which acts as a release liner (*col. 3, lines 18-19*), i.e. carrier sheet.

Popat's label comprises facestock continuous through-cut lines (*die cut lines, col. 3, line 15*) that pass through the facestock sheet construction to the back side but not through-cut through the carrier sheet (*col. 3, lines 15-21*) and that the through-cut lines are deemed to define at least in part perimeter edges of printable business cards and a matrix waste portion around the

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printable business cards (*figure 1*). Areas of the carrier sheet are positioned over the back sides of all the through-cut lines and thereby the carrier sheet is constructed and adapted to hold the printable business cards and the matrix waste portion together during the printing operation (*figure 2 and col. 3, lines 15-21*). The carrier sheet and the through-cut lines are deemed to be constructed and adapted to allow the business cards to be removed and separated from the carrier sheet and from the matrix waste portion after the printing operation into individual printed business cards (*figure 1 and col. 3, lines 15-21*). The die cuts also help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*col. 3, lines 1-4*).

McKillip and Popat are analogous because they are both discuss label sheets used for printing with personal computers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the die cut arrangement of the through-cut lines with the cuts only going through the facestock construction and not the carrier sheet of Popat as the die cuttings of McKillip in order to help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*Popat col. 3, lines 1-4*). Furthermore, it would have been an obvious matter of design choice to change the configuration of the through-cut lines, since a modification would have involved a mere change in size of the label. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 630, McKillip fails to disclose that the dry laminate sheet construction is 8.5 by 11 inches, 8.5 by 14 inches or has A4 width and length dimensions.

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Popat discloses that the label sheet may be a standard 8.5 by 11 inch sheet or other dimensions such as sheets with smaller dimensions, legal size or various other sizes which allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*col. 5, lines 1-11*).

Therefore, it would have been an obvious matter of design choice to change the size of sheet construction, since a modification would have involved a mere change in size. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

One of ordinary skill in the art would have been motivated to change the size of the sheet construction in order to allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*Popat col. 5, lines 1-11*).

Regarding Applicant's claim 631, McKillip fails to disclose the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

Regarding Applicant's claim 632, Popat wherein the printable business cards form a block of printable business cards and the matrix waste portion forms a frame around the block (*figures 1 and 2*).

Regarding Applicant's claim 633, McKillip discloses wherein the continuous sheet is a solid carrier sheet and covers all of the back sides of all of the through-cut lines, since McKillip

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discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 634, McKillip discloses wherein the continuous sheet is a solid carrier sheet which extends the entire width of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 635, Popat discloses wherein (a) the facestock sheet construction includes left and right side edges and first and second end edges, (b) the through-cut lines forming a grid which includes frame cut lines and grid cut lines, (c) the frame cut lines include first and second side cut lines spaced in from the left and right side edges respectively, and disposed parallel thereto, and first and second end cut lines spaced in from and parallel to the first and second end edges, both of the end cut lines engaging both of the side cut lines, the frame cut lines defining a central area on the facestock sheet construction, and (d) the grid cut lines and the frame cut lines separating the central area into the printable business cards (*figures 1 and 2*).

Regarding Applicant's claim 636, Popat wherein some of the grid cut lines extend across and outwardly of the first and second side cut lines (*figures 1 and 2*).

Regarding Applicant's claim 637, McKillip wherein the film layer is a polyethylene layer (*col. 8, lines 15-18*).

Regarding Applicant's claim 638, Popat discloses wherein the through-cut lines include vertical and horizontal cut lines (*figures 1 and 2*).

Regarding Applicant's claim 639, Popat wherein a top one of the horizontal cut lines extends a full width of the facestock sheet construction (*figures 1 and 2*).

Regarding Applicant's claim 640, Popat discloses wherein ends of the rest of the horizontal cut lines are spaced inwardly from the left and right side edges of the facestock sheet construction (*figures 1 and 2*).

Regarding Applicant's claim 641, McKillip discloses wherein the rest of the horizontal cut lines extend a distance out beyond the outermost of the vertical cut lines (*figures 1 and 2*).

Regarding Applicant's claim 642, McKillip discloses wherein the continuous sheet covers an entire back side of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 643, McKillip discloses wherein the through-cut lines define all of the perimeter edges of all of the printable business cards (*figures 5-7*).

Regarding Applicant's claim 644, McKillip discloses wherein the continuous sheet includes a paper sheet (*reference #22*).

Regarding Applicant's claim 645, Popat discloses wherein the printable business cards are arranged in a two column matrix, and the two column matrix includes the column (*figures 1 and 2*).

Regarding Applicant's claim 646, Popat discloses wherein the printable business cards in each column of the two column matrix abut adjacent printable business cards in the same column separated only by respective ones of the through-cut lines (*figures 1 and 2*).

Regarding Applicant's claim 647, McKillip discloses wherein the adhesive layer is a hot melt adhesive layer, the film layer is a low density polyethylene film (*col. 5, lines 13-16*), and the continuous sheet is a densified bleached kraft liner sheet (*col. 5, lines 32-34*).

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Regarding Applicant's claim 648, McKillip fails to disclose wherein the film layer is approximately .8 mil thick. It would have been an obvious matter of design choice to change the thickness of film layer, since a modification would have involved a mere change in size of the film layer. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 649, McKillip discloses wherein the facestock sheet construction and the continuous sheet are both rectangular and have the same width and length dimensions (*figures 5-6*).

Regarding Applicant's claim 655, McKillip discloses wherein the continuous sheet is secured directly to a back side of the film layer and the back side of the continuous sheet defines a back surface of the printable business card sheet (*figure 6*).

Regarding Applicant's claim 656, McKillip wherein the areas of the continuous sheet cover the back sides of all of the through-cut lines, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 658, McKillip wherein the continuous sheet carries the facestock sheet construction and thereby defines a carrier sheet and/or wherein the continuous sheet comprises a continuous liner sheet, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 659, Popat discloses wherein the printable business cards form a block of printable business cards and the matrix waste portion forms a frame around the

block, and wherein the facestock sheet construction and the continuous sheet are both rectangular and have the same width dimensions (*figures 1 and 2*).

Regarding Applicant's claim 660, wherein the facestock sheet construction includes the film layer (*figure 6*).

Regarding Applicant's claim 661, McKillip discloses wherein the continuous sheet is directly attached to the back side of the facestock sheet construction (*figure 6*).

Regarding Applicant's claim 662, McKillip discloses wherein the continuous sheet is a solid carder sheet coextensive with the width of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 663, as discussed above it would obvious to modify the laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known "improvement" technique, e.g. laser printer/sheet-fed printer, in the same way to the "base" device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one of ordinary skill in the art. *KSR*, 82 *USPQ2d* at 1396. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

Regarding Applicant's claim 664, McKillip discloses a printable business card sheet (*title*), comprising: a laminate sheet construction including a facestock sheet construction (*col. 7, lines 16-17*) and a continuous sheet (*col. 7, line 17*) attached to a back side of the facestock sheet

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construction (*figure 6*); the facestock sheet construction including a facestock sheet (*reference #24*); the laminate sheet construction including an internally positioned film layer (*reference #26*); the facestock sheet being a cardstock sheet (*col. 7, line 26*); facestock continuous through-cut lines through the facestock sheet construction but not through-cut through the continuous sheet (*reference #22*); the through-cut lines defining at least in part perimeter edges of printable business cards and a matrix waste portion around the printable business cards (*col. 7, lines 28-20 and figures 5 and 6*); areas of the continuous sheet being positioned over back sides of all of the through-cut lines and thereby the continuous sheet is structurally capable of holding the printable business cards and the matrix waste portion together during the printing operation (*figures 5 and 6*); a top surface of the facestock sheet construction being constructed and adapted to receive indicia printed on the top surface during the printing operation (*reference #24*); the continuous sheet and the through-cut lines being constructed and adapted to allow the business cards to be removed and separated from the continuous sheet and from the matrix waste portion after the printing operation into individual printed business cards whose back side surfaces are non-tacky (*col. 2, lines 49-56 and figures 7 and 11*); the laminate sheet construction is rectangular with opposing side edges and opposing edges (*figures 5-7*), .

The preamble/limitation “business card” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a ***structural difference*** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02. Applicant has defined that “business card” as the cut out portion or separable portion of the sheet construction (*specification page 1, lines 3-7 and page 3, line 25*

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through page 4, line 9). McKillip' labels are deemed to meet this limitation because McKillip' labels are also the cut out portion of the printable material.

It would obvious to modify the laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known "improvement" technique, e.g. laser printer/sheet-fed printer, in the same way to the "base" device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one of ordinary skill in the art. *KSR, 82 USPQ2d at 1396*. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

McKillip fails to disclose that the printable business cards being arranged in a grid, the grid including a column of printable business cards, and adjacent ones of the printable business cards in the column directly abut one another and share a common edge or the business cards in a central area block, a boarder portion of the laminate sheet construction surrounding the block and extending from ends of the through-cut lines to both sides edges and to both of the edges, the border portion being free of weakened lines.

Popat teaches label sheets used for printing with personal computers (*col. 1, lines 12-19*). The label sheets comprise a sheet construction that comprises a label layer, i.e. facestock sheet construction, and an adhesive layer, and backing layer (*col. 2, lines 64-68*), which acts as a release liner (*col. 3, lines 18-19*), i.e. carrier sheet.

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Popat's label comprises facestock continuous through-cut lines (*die cut lines, col. 3, line 15*) that pass through the facestock sheet construction to the back side but not through-cut through the carrier sheet (*col. 3, lines 15-21*) and that the through-cut lines are deemed to define at least in part perimeter edges of printable business cards and a matrix waste portion around the printable business cards (*figure 1*). Areas of the carrier sheet are positioned over the back sides of all the through-cut lines and thereby the carrier sheet is constructed and adapted to hold the printable business cards and the matrix waste portion together during the printing operation (*figure 2 and col. 3, lines 15-21*). The carrier sheet and the through-cut lines are deemed to be constructed and adapted to allow the business cards to be removed and separated from the carrier sheet and from the matrix waste portion after the printing operation into individual printed business cards (*figure 1 and col. 3, lines 15-21*). The die cuts also help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*col. 3, lines 1-4*). The business cards are in a central block location, a boarder portion of the laminate sheet construction surrounding the block and extending from ends of the through-cut lines to both sides edges and to both of the edges, the border portion being free of weakened lines (*figures 1 and 2*)

McKillip and Popat are analogous because they are both discuss label sheets used for printing with personal computers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the die cut arrangement of the through-cut lines with the cuts only going through the facestock construction and not the carrier sheet of Popat as the die cuttings of McKillip in order to help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*Popat col. 3, lines 1-4*). Furthermore, it would have been an obvious matter of design choice to

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change the configuration of the through-cut lines, since a modification would have involved a mere change in size of the label. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 665, as discussed above it would be obvious to modify the laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known "improvement" technique, e.g. laser printer/sheet-fed printer, in the same way to the "base" device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one of ordinary skill in the art. *KSR*, 82 *USPQ2d* at 1396. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

Regarding Applicant's claim 666, McKillip fails to disclose that the dry laminate sheet construction is 8.5 by 11 inches, 8.5 by 14 inches or has A4 width and length dimensions.

Popat discloses that the label sheet may be a standard 8.5 by 11 inch sheet or other dimensions such as sheets with smaller dimensions, legal size or various other sizes which allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*col. 5, lines 1-11*).

Therefore, it would have been an obvious matter of design choice to change the size of sheet construction, since a modification would have involved a mere change in size. A change in

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size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

One of ordinary skill in the art would have been motivated to change the size of the sheet construction in order to allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*Popat col. 5, lines 1-11*).

Regarding Applicant's claim 667, McKillip discloses wherein the continuous sheet is a solid carrier sheet and covers all of the back sides of all of the through-cut lines, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 668, McKillip discloses wherein the continuous sheet is a solid carrier sheet which extends the entire width of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 669, Popat discloses wherein (a) the facestock sheet construction includes left and right side edges and first and second end edges, (b) the through-cut lines forming a grid which includes frame cut lines and grid cut lines, (c) the frame cut lines include first and second side cut lines spaced in from the left and right side edges respectively, and disposed parallel thereto, and first and second end cut lines spaced in from and parallel to the first and second end edges, both of the end cut lines engaging both of the side cut lines, the frame cut lines defining a central area on the facestock sheet construction, and (d) the grid cut lines and the frame cut lines separating the central area into the printable business cards (*figures 1 and 2*).

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Regarding Applicant's claim 670, Popat wherein some of the grid cut lines extend across and outwardly of the first and second side cut lines (*figures 1 and 2*).

Regarding Applicant's claim 671, McKillip wherein the film layer is a polyethylene layer (*col. 8, lines 15-18*).

Regarding Applicant's claim 672, Popat discloses wherein the through-cut lines include vertical and horizontal cut lines (*figures 1 and 2*).

Regarding Applicant's claim 673, McKillip discloses wherein the continuous sheet covers an entire back side of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 674, McKillip discloses wherein the through-cut lines define all of the perimeter edges of all of the printable business cards (*figures 5-7*).

Regarding Applicant's claim 675, McKillip discloses wherein the continuous sheet includes a paper sheet (*reference #22*).

Regarding Applicant's claim 676, Popat discloses wherein the printable business cards are arranged in a two column matrix, the two column matrix includes the column and the printable business cards in each column of the two column matrix abut adjacent printable business cards in the same column separated only by respective ones of the through-cut lines (*figures 1 and 2*).

Regarding Applicant's claim 677, McKillip fails to discloses the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

Regarding Applicant's claim 678, McKillip discloses wherein the adhesive layer is a hot melt adhesive layer, the film layer is a low density polyethylene film (*col. 5, lines 13-16*), and the continuous sheet is a densified bleached kraft liner sheet (*col. 5, lines 32-34*).

Regarding Applicant's claim 679, McKillip fails to disclose wherein the film layer is approximately .8 mil thick. It would have been an obvious matter of design choice to change the thickness of film layer, since a modification would have involved a mere change in size of the film layer. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 680, McKillip discloses wherein the facestock sheet construction and the continuous sheet are both rectangular and have the same width and length dimensions (*figures 5-6*).

Regarding Applicant's claim 683, McKillip discloses wherein the continuous sheet is secured directly to a back side of the film layer and the back side of the continuous sheet defines a back surface of the printable business card sheet (*figure 6*).

Regarding Applicant's claim 684, McKillip wherein the areas of the continuous sheet cover the back sides of all of the through-cut lines, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 686, McKillip wherein the continuous sheet carries the facestock sheet construction and thereby defines a carrier sheet and/or wherein the continuous

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sheet comprises a continuous liner sheet, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 687, McKillip discloses wherein the facestock sheet construction and the continuous sheet are both rectangular and have the same width dimensions (*figures 5-7*).

Regarding Applicant's claim 688, McKillip wherein the film layer is between the facestock sheet and the continuous sheet (*figure 6*).

Regarding Applicant's claim 689, wherein the film layer forms the back side surfaces of the printed business cards (*figure 6*).

Regarding Applicant's claim 690, wherein the facestock sheet construction includes the film layer (*figure 6*).

Regarding Applicant's claim 691, McKillip discloses wherein the continuous sheet is directly attached to the back side of the facestock sheet construction (*figure 6*).

Regarding Applicant's claim 692, McKillip discloses wherein the continuous sheet is a solid carder sheet coextensive with the width of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 693, McKillip fails to disclose the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

The limitation “so that the printable business card sheet delaminates at an interface of the film layer and the continuous sheet and whereby the laminate sheet construction is a dry laminate sheet construction” is a functional limitation and is deemed to be a latent property of the prior art since the prior art is substantially identical in composition and/or structure. MPEP 2145 (II).

Regarding Applicant’s claim 694, wherein the film layer is adapted so that the laminate sheet construction delaminates at an interface of the film layer and the continuous sheet and whereby the laminate sheet construction is a dry laminate sheet construction (*figure 6*). The limitation “wherein the film layer and the continuous sheet form a delamination interface for the printed business cards and whereby the laminate sheet construction is a dry laminate sheet construction” is a functional limitation and is deemed to be a latent property of the prior art since the prior art is substantially identical in composition and/or structure. MPEP 2145 (II).

Regarding Applicant’s claim 695, McKillip discloses a printable business card sheet (*title*), comprising: a laminate sheet construction including a facestock sheet construction (*col. 7, lines 16-17*) and a continuous sheet (*col. 7, line 17*) attached to a back side of the facestock sheet construction (*figure 6*); the facestock sheet construction including a facestock sheet (*reference #24*); the laminate sheet construction including an internally positioned film layer (*reference #26*); the facestock sheet being a cardstock sheet (*col. 7, line 26*); facestock continuous through-cut lines through the facestock sheet construction but not through-cut through the continuous sheet (*reference #22*); the through-cut lines defining at least in part perimeter edges of printable business cards and a matrix waste portion around the printable business cards (*col. 7, lines 28-20*

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and figures 5 and 6); areas of the continuous sheet being positioned over back sides of all of the through-cut lines and thereby the continuous sheet is structurally capable of holding the printable business cards and the matrix waste portion together during the printing operation (figures 5 and 6); a top surface of the facestock sheet construction being constructed and adapted to receive indicia printed on the top surface during the printing operation (reference #24); the continuous sheet and the through-cut lines being constructed and adapted to allow the business cards to be removed and separated from the continuous sheet and from the matrix waste portion after the printing operation into individual printed business cards whose back side surfaces are non-tacky (col. 2, lines 49-56 and figures 7 and 11).

The preamble/limitation “business card” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a *structural difference* between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02. Applicant has defined that “business card” as the cut out portion or separable portion of the sheet construction (specification page 1, lines 3-7 and page 3, line 25 through page 4, line 9). McKillip’ labels are deemed to meet this limitation because McKillip’ labels are also the cut out portion of the printable material.

It would obvious to modify the laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known “improvement” technique, e.g. laser printer/sheet-fed printer, in the same way to the “base” device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one

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of ordinary skill in the art. *KSR, 82 USPQ2d at 1396*. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

McKillip fails to disclose that the printable business cards being arranged in a grid, the grid including a column of printable business cards, and adjacent ones of the printable business cards in the column directly abut one another and share a common edge, the printable business card being arranged in a grid; the grid including a first column of the printable business cards and a second column of the printable business cards; adjacent ones of the printable business cards in the first column directly abutting one another and sharing a common edge; adjacent ones of the printable business cards in the second column directly abutting one another and sharing a common edge; the first and second columns directly sided-by side abutting one another.

Popat teaches label sheets used for printing with personal computers (*col. 1, lines 12-19*). The label sheets comprise a sheet construction that comprises a label layer, i.e. facestock sheet construction, and an adhesive layer, and backing layer (*col. 2, lines 64-68*), which acts as a release liner (*col. 3, lines 18-19*), i.e. carrier sheet.

Popat's label comprises facestock continuous through-cut lines (*die cut lines, col. 3, line 15*) that pass through the facestock sheet construction to the back side but not through-cut through the carrier sheet (*col. 3, lines 15-21*) and that the through-cut lines are deemed to define at least in part perimeter edges of printable business cards and a matrix waste portion around the printable business cards (*figure 1*). Areas of the carrier sheet are positioned over the back sides of all the through-cut lines and thereby the carrier sheet is constructed and adapted to hold the

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printable business cards and the matrix waste portion together during the printing operation (*figure 2 and col. 3, lines 15-21*). The carrier sheet and the through-cut lines are deemed to be constructed and adapted to allow the business cards to be removed and separated from the carrier sheet and from the matrix waste portion after the printing operation into individual printed business cards (*figure 1 and col. 3, lines 15-21*). The die cuts also help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*col. 3, lines 1-4*).

Popat shows the printable business cards being arranged in a grid, the grid including a column of printable business cards, and adjacent ones of the printable business cards in the column directly abut one another and share a common edge, the printable business card being arranged in a grid; the grid including a first column of the printable business cards and a second column of the printable business cards; adjacent ones of the printable business cards in the first column directly abutting one another and sharing a common edge; adjacent ones of the printable business cards in the second column directly abutting one another and sharing a common edge; the first and second columns directly sided-by side abutting one another (*figures 1 and 2*).

McKillip and Popat are analogous because they are both discuss label sheets used for printing with personal computers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the die cut arrangement of the through-cut lines with the cuts only going through the facestock construction and not the carrier sheet of Popat as the die cuttings of McKillip in order to help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*Popat col. 3, lines 1-4*). Furthermore, it would have been an obvious matter of design choice to change the configuration of the through-cut lines, since a modification would have involved a

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mere change in size of the label. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 696, wherein the film layer is adapted so that the laminate sheet construction delaminates at an interface of the film layer and the continuous sheet and whereby the laminate sheet construction is a dry laminate sheet construction (*figure 6*). The limitation "wherein the film layer and the continuous sheet form a delamination interface for the printed business cards and whereby the laminate sheet construction is a dry laminate sheet construction" is a functional limitation and is deemed to be a latent property of the prior art since the prior art is substantially identical in composition and/or structure. MPEP 2145 (II).

Regarding Applicant's claim 697, McKillip fails to disclose that the dry laminate sheet construction is 8.5 by 11 inches, 8.5 by 14 inches or has A4 width and length dimensions.

Popat discloses that the label sheet may be a standard 8.5 by 11 inch sheet or other dimensions such as sheets with smaller dimensions, legal size or various other sizes which allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*col. 5, lines 1-11*).

Therefore, it would have been an obvious matter of design choice to change the size of sheet construction, since a modification would have involved a mere change in size. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

One of ordinary skill in the art would have been motivated to change the size of the sheet construction in order to allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*Popat col. 5, lines 1-11*).

Regarding Applicant's claim 698, Popat wherein the printable business cards form a block of printable business cards and the matrix waste portion forms a frame around the block (*figures 1 and 2*).

Regarding Applicant's claim 699, McKillip discloses wherein the continuous sheet is a solid carrier sheet and covers all of the back sides of all of the through-cut lines, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 700, McKillip discloses wherein the continuous sheet is a solid carrier sheet which extends the entire width of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 701, Popat discloses wherein (a) the facestock sheet construction includes left and right side edges and first and second end edges, (b) the through-cut lines forming a grid which includes frame cut lines and grid cut lines, (c) the frame cut lines include first and second side cut lines spaced in from the left and right side edges respectively, and disposed parallel thereto, and first and second end cut lines spaced in from and parallel to the first and second end edges, both of the end cut lines engaging both of the side cut lines, the frame cut lines defining a central area on the facestock sheet construction, and (d) the grid cut lines and the frame cut lines separating the central area into the printable business cards (*figures 1 and 2*).

Regarding Applicant's claim 702, Popat wherein some of the grid cut lines extend across and outwardly of the first and second side cut lines (*figures 1 and 2*).

Regarding Applicant's claim 703, McKillip wherein the film layer is a polyethylene layer (*col. 8, lines 15-18*).

Regarding Applicant's claim 704, Popat discloses wherein the through-cut lines include vertical and horizontal cut lines (*figures 1 and 2*).

Regarding Applicant's claim 705, Popat wherein a top one of the horizontal cut lines extends a full width of the facestock sheet construction (*figures 1 and 2*).

Regarding Applicant's claim 706, Popat discloses wherein ends of the rest of the horizontal cut lines are spaced inwardly from the left and right side edges of the facestock sheet construction (*figures 1 and 2*).

Regarding Applicant's claim 707, McKillip discloses wherein the rest of the horizontal cut lines extend a distance out beyond the outermost of the vertical cut lines (*figures 1 and 2*).

Regarding Applicant's claim 708, McKillip discloses wherein the continuous sheet covers an entire back side of the facestock sheet construction, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 709, McKillip discloses wherein the through-cut lines define all of the perimeter edges of all of the printable business cards (*figures 5-7*).

Regarding Applicant's claim 710, McKillip discloses wherein the continuous sheet includes a paper sheet (*reference #22*).

Regarding Applicant's claim 711, McKillip fails to disclose the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

Regarding Applicant's claim 712, McKillip discloses wherein the adhesive layer is a hot melt adhesive layer, the film layer is a low density polyethylene film (*col. 5, lines 13-16*), and the continuous sheet is a densified bleached kraft liner sheet (*col. 5, lines 32-34*).

Regarding Applicant's claim 713, McKillip fails to disclose wherein the film layer is approximately .8 mil thick. It would have been an obvious matter of design choice to change the thickness of film layer, since a modification would have involved a mere change in size of the film layer. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 714, McKillip discloses wherein the facestock sheet construction and the continuous sheet are both rectangular and have the same width and length dimensions (*figures 5-6*).

Regarding Applicant's claim 719, McKillip discloses wherein the continuous sheet is secured directly to a back side of the film layer and the back side of the continuous sheet defines a back surface of the printable business card sheet (*figure 6*).

Regarding Applicant's claim 720, McKillip wherein the areas of the continuous sheet cover the back sides of all of the through-cut lines, since McKillip discloses that each page has a

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solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 722, McKillip wherein the continuous sheet carries the facestock sheet construction and thereby defines a carrier sheet and/or wherein the continuous sheet comprises a continuous liner sheet, since McKillip discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 723, Popat discloses wherein the printable business cards form a block of printable business cards and the matrix waste portion forms a frame around the block, and wherein the facestock sheet construction and the continuous sheet are both rectangular and have the same width dimensions (*figures 1 and 2*).

Regarding Applicant's claim 724, McKillip wherein the film layer is between the facestock sheet and the continuous sheet (*figure 6*).

Regarding Applicant's claim 725, wherein the film layer forms the back side surfaces of the printed business cards (*figure 6*).

Regarding Applicant's claim 726, wherein the facestock sheet construction includes the film layer (*figure 6*).

Regarding Applicant's claim 727, McKillip discloses wherein the continuous sheet is directly attached to the back side of the facestock sheet construction (*figure 6*).

Regarding Applicant's claim 728, McKillip discloses wherein the continuous sheet is a solid carder sheet coextensive with the width of the facestock sheet construction, since McKillip

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discloses that each page has a solid carrier sheet over the backs of all the through-cut lines that form the business cards (*figures 5 and 6*).

Regarding Applicant's claim 729, McKillip fails to disclose the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

The limitation "so that the printable business card sheet delaminates at an interface of the film layer and the continuous sheet and whereby the laminate sheet construction is a dry laminate sheet construction" is a functional limitation and is deemed to be a latent property of the prior art since the prior art is substantially identical in composition and/or structure. MPEP 2145 (II).

Regarding Applicant's claim 730, McKillip discloses a printable business card sheet stack, comprising: a first printable business card sheet including: a first laminate sheet construction including a first facestock sheet construction and a first continuous sheet attached to a back side of the first facestock sheet construction; the first facestock sheet construction including a first facestock sheet; the first laminate sheet construction including a first internally positioned film layer; the first facestock sheet being a first cardstock sheet; first facestock continuous through-cut lines through the first facestock sheet construction but not through-cut through the first continuous sheet; areas of the first continuous sheet being positioned over back sides of all of the first through-cut lines and thereby the first continuous sheet is structurally capable of holding the first printable business cards and the first matrix waste portion together during the first printing operation; a first top surface of the first facestock sheet construction

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being constructed and adapted to receive first indicia printed on the first top surface during the first printing operation; the first continuous sheet and the first through-cut lines being constructed and adapted to allow the first business cards to be removed and separated from the first continuous sheet and from the first matrix waste portion after the first printing operation into individual first printed business cards whose back side surfaces are non-tacky; and a second printable business card sheet including: a second laminate sheet construction including a second facestock sheet construction and a second continuous sheet attached to a back side of the second facestock sheet construction; the second facestock sheet construction including a second facestock sheet; the second laminate sheet construction including a second internally positioned film layer; the second facestock sheet being a second cardstock sheet; second facestock continuous through-cut lines through the second facestock sheet construction but not through-cut through the second continuous sheet; areas of the second continuous sheet being positioned over back sides of all of the second through-cut lines and thereby the second continuous sheet is structurally capable of holding the second printable business cards and the second matrix waste portion together during the second printing operation; a second top surface of the second facestock sheet construction being constructed and adapted to receive second indicia printed on the second top surface during the second printing operation; the second continuous sheet and the second through-cut lines being constructed and adapted to allow the second business cards to be removed and separated from the second continuous sheet and from the second matrix waste portion after the second printing operation into individual second printed business cards whose back side surfaces are non-tacky (*figures 5-7*).

The preamble/limitation “business card” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a ***structural difference*** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02. Applicant has defined that “business card” as the cut out portion or separable portion of the sheet construction (*specification page 1, lines 3-7 and page 3, line 25 through page 4, line 9*). McKillip’ labels are deemed to meet this limitation because McKillip’ labels are also the cut out portion of the printable material.

It would obvious to modify the laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known “improvement” technique, e.g. laser printer/sheet-fed printer, in the same way to the “base” device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one of ordinary skill in the art. *KSR, 82 USPQ2d at 1396*. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual, e.g. separate and unconnected, first and second sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

The limitation “wherein the first printable business card sheet is stacked directly on top of an supported by the second printable business card sheet” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a ***structural difference***

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between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02.

McKillip fails to disclose the first and second printable business cards being arranged in a first and second grid; and the first and second grid including a first column of printable business cards, and adjacent ones of the first and second printable business cards in the first column directly abut one another and share a common edge.

Popat teaches label sheets used for printing with personal computers (*col. 1, lines 12-19*). The label sheets comprise a sheet construction that comprises a label layer, i.e. facestock sheet construction, and an adhesive layer, and backing layer (*col. 2, lines 64-68*), which acts as a release liner (*col. 3, lines 18-19*), i.e. carrier sheet.

Popat's label comprises facestock continuous through-cut lines (*die cut lines, col. 3, line 15*) that pass through the facestock sheet construction to the back side but not through-cut through the carrier sheet (*col. 3, lines 15-21*) and that the through-cut lines are deemed to define at least in part perimeter edges of printable business cards and a matrix waste portion around the printable business cards (*figure 1*). Areas of the carrier sheet are positioned over the back sides of all the through-cut lines and thereby the carrier sheet is constructed and adapted to hold the printable business cards and the matrix waste portion together during the printing operation (*figure 2 and col. 3, lines 15-21*). The carrier sheet and the through-cut lines are deemed to be constructed and adapted to allow the business cards to be removed and separated from the carrier sheet and from the matrix waste portion after the printing operation into individual printed business cards (*figure 1 and col. 3, lines 15-21*). The die cuts also help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*col. 3, lines 1-4*).

McKillip and Popat are analogous because they are both discuss label sheets used for printing with personal computers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the die cut arrangement of the through-cut lines with the cuts only going through the facestock construction and not the carrier sheet of Popat as the die cuttings of McKillip's first and second sheets in order to help facilitate ease of feeding into complex printer paths, such as those found on laser printers (*Popat col. 3, lines 1-4*). Furthermore, it would have been an obvious matter of design choice to change the configuration of the through-cut lines, since a modification would have involved a mere change in size of the label. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 731, the limitation "wherein the sheets are positioned in a printer or copier infeed tray" is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a ***structural difference*** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02.

Regarding Applicant's claim 732, the limitation "wherein the sheets are positioned in packaging" is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a ***structural difference*** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02.

Regarding Applicant's claim 733, McKillip fails to disclose wherein entire front faces of all of the first and second printable business cards are free of any visible indicia. However, it would have been to one of ordinary skill in the art at the time of the invention to have the entire front faces of all of the printable business cards being free of any visible indicia depending on what type of identification card the end user desires, e.g. a free form of their own design or a pre-filled one as a matter of aesthetic design choice. MPEP 2144.04 (I).

Regarding Applicant's claim 734, McKillip fails to disclose that the dry laminate sheet construction is 8.5 by 11 inches, 8.5 by 14 inches or has A4 width and length dimensions.

Popat discloses that the label sheet may be a standard 8.5 by 11 inch sheet or other dimensions such as sheets with smaller dimensions, legal size or various other sizes which allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*col. 5, lines 1-11*).

Therefore, it would have been an obvious matter of design choice to change the size of sheet construction, since a modification would have involved a mere change in size. A change in size or shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

One of ordinary skill in the art would have been motivated to change the size of the sheet construction in order to allow for printing the labels in a variety of different printers, including laser, ink jet and xerographic printers (*Popat col. 5, lines 1-11*).

Regarding Applicant's claim 735, McKillip fails to disclose the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

The limitation “so that the printable business card sheet delaminates at an interface of the film layer and the continuous sheet and whereby the laminate sheet construction is a dry laminate sheet construction” is a functional limitation and is deemed to be a latent property of the prior art since the prior art is substantially identical in composition and/or structure. MPEP 2145 (II).

Regarding Applicant’s claim 736, McKillip fails to disclose the facestock sheet construction includes an adhesive layer between the facestock sheet and the film layer. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to add an adhesive layer between the facestock sheet and the film layer in order to insure adhesion between the layers.

Regarding Applicant’s claim 737, Popat discloses wherein the first facestock sheet is rectangular with opposing side edges and opposing end edges, the first business cards are in a central area block of the first facestock sheet, the first matrix waste portion is a border portion surrounding the block and extending from the block to both of the side edges and to both of the end edges, and the border portion is free of weakened lines (*figures 1 and 2*).

Regarding Applicant’s claim 738, McKillip fails to disclose wherein the first grid includes a third column of printable business cards, the first and third columns directly side-by-side abut one another, and adjacent ones of the first printable business cards in the third column directly abut one another. However, it would have been an obvious matter of design choice to change the configuration of the through-cut lines, since a modification would have involved a mere change in size of the label. A change in size or shape is generally recognized as being

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within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (I) and (IV).

Regarding Applicant's claim 739, as discussed above it would be obvious to modify the laminate sheet construction of McKillip to be sized, constructed and capable of being sheet-fed through a printer or copier for a sheet-fed printing operation on the printable business cards, since one of ordinary skill in the art could have applied the known "improvement" technique, e.g. laser printer/sheet-fed printer, in the same way to the "base" device, e.g. dot-matrix/tractor feeding, and the results would have been predictable to one of ordinary skill in the art. *KSR*, 82 *USPQ2d* at 1396. Therefore, it would have been obvious to one of ordinary skill in the art to remove the perforated tractor feeding elements and have individual sheets of paper in order to utilize the new and better technology of laser printers, which are sheet fed.

15. Claims 572, 573, 612, 613, 650, 651, 681, 682, 715 and 716 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip in view of Popat as applied above, and further in view of Hickenbotham et al. (U.S. Patent No. 4,704,317).

McKillip and Popat are relied upon as described above.

McKillip and Popat fail to disclose an infeed edge of the printable business card sheet, along an entire width of the sheet is thinner than a body of the sheet or a lead-in edge of the printable business card sheet is calendared.

Examiner's comment: The limitation "the lead-in edge of the printable business card sheet is calendared" is a process limitation. However, this process limitation does add structure to the end product by crushing, compressing, making the calendared end thinner. So, for purposes of examination, any process that results in a crushed, compressed or thinner end is

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taken to anticipate the limitation “the lead-in edge of the printable business card sheet is calendared,” since the method of forming the product is not germane to the issue of patentability of the product itself.

Hickenbotham discloses crushing the corner of lablestock for use in printers or copier to provide a diagonal path of relatively low stiffness (*col. 6, lines 9-16*). The low stiffness in the front edge of the sheet allows the sheet to be dispensed through the printer or copier with greater easier (*col. 1, lines 38-51*).

McKillip, Popat and Hickenbotham are analogous because they all disclose label constructions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to crush the edge of the sheet suggested by the combination of McKillip and Popat above, as taught by Hickenbotham, in order to make the edge thinner than the rest of the sheet and to facilitate dispensing.

One of ordinary skill in the art would have been motivated to crush the edge of the sheet because crushing the edge would provide a path of relatively low stiffness and would make the sheet easier to be dispensed through a printer as taught by Hickenbotham at *col. 1, lines 38-51*.

It is desirable to have the sheet be easily dispensed through a printer so that the sheet does not get jammed in the printer.

16. Claims 574-576, 614-616, 652-654, 717 and 718 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip in view of Popat as applied above, and further in view of Klein (U.S. Patent No. 5,198,275).

McKillip and Popat are relied upon as described above.

Art Unit: 1772

McKillip and Popat fail to disclose that the carrier sheet includes a flexibility line that is a cut line.

Klein discloses a card stock sheet for labels (*col. 3, line 13*) comprising a lift out panel with rectangular score cuts, an adhesive, and a backing sheet with perforations (*figure 6*). The backing sheet with perforations corresponds to Applicant's carrier sheet with flexibility/cut lines. The perforations ensure a smooth peripheral edge of each panel and smoothness of the edge at the panel face is enhanced without any roughness or frying or torn paper (*col. 3, lines 62-66*).

McKillip, Popat and Klein are analogous because they all disclose label constructions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add Klein's perforations to the web suggested by the combination of Popat and McKillip in order to facilitate easy removal of the web. One of ordinary skill in the art would have been motivated to use Klein's perforations as taught in *col. 3, lines 62-66*, where Klein teaches that the perforations ensure a smooth peripheral edge without any roughness of frying or torn paper.

The exact distance of the liner sheet cut lines to the end of the sheet is deemed to be a result effective variable. It would have been obvious to one having ordinary skill in the art to have determined the optimum value of a result effective variable, such as distance of liner sheet cut line to the end of the sheet through routine experimentation in the absence of a showing of criticality in the claimed combined thickness. *In re Boesch*, 205 USPQ 215 (CCPA 1980), *In re Woodruff*, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

17. Claims 579, 619, 657, 685 and 721 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip in view of Popat as applied above, and further in view of Carlson (U.S. Patent No. 5,842,722).

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McKillip and Popat are relied upon as described above.

McKillip and Popat fail to disclose that the facestock sheet construction comprises a top coating that forms a top receptive surface of each of the printable business cards.

Carlson discloses a printable laminate useful in forming die-cut identification cards, labels, etc. (*col. 1, lines 16-18*). The printable laminate includes die cut cards, which are coated with an ink receptive coating (*col. 19, line 50 through col. 20, line 3*). The ink receptive coating provides good ink image retention and adhesive retention (*col. 20, lines 1-3*).

McKillip, Popat and Carlson are analogous because they all disclose label constructions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add Carlson's ink receptive coating to the facestock sheet construction suggested by the combination of McKillip and Popat in order to enhance the adhesion of the ink to the label. One of ordinary skill in the art would have been motivated to employ Carlson's ink receptive coating because of the improved image retention and adhesive retention of the ink (*col. 20, lines 1-3*). It is desirable to enhance the adhesion of the ink to the label so that the ink would not rub off after being applied to the label.

ANSWERS TO APPLICANT'S ARGUMENTS

18. Applicant's arguments in the response filed July 11, 2007 regarding the previous rejections of record have been considered but are moot due to the new grounds of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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10/1/07



**ALICIA CHEVALIER
PRIMARY EXAMINER**